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Remarks

Claims 1 and 2 remain pending in the application. The Examiner has objected to claim 1 because of the following informalities: on line 6 of page 7 "ends" should be --end--. On line 10 --to-- should be inserted after "adapted." The applicant has made the foregoing changes.

Claim 1 has been rejected under 35 U.S.C. §112 as being indefinite under the assertion that claim 1 omits essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The omitted structural cooperative relationships are: how the first and second fishing rod holders are in relation to one another. Applicant has amended claim 1 to include the limitation that the second fishing rod holder is secured at a distance from the top of the proximal end of the first fishing rod holder. The inclusion of this limitation appropriately overcomes the Examiner's rejection.

Claim 1 has also been rejected under 35 U.S.C. §112 as being indefinite under the assertion that insufficient antecedent basis is provided for the limitation of "the handle" in line 13 of page 7. Applicant has amended the language to read "a handle" instead of "the handle" in order to provide the necessary antecedent basis.

Claim 2 has been rejected under 35 U.S.C. §112 as being indefinite under the assertion that it is unclear whether the line of the first fishing pole in line 19 of page 7 is the same or a different line from the "first line" in line 23 of page 7 and that it is unclear as to whether the line of the second fishing pole in line 21 of page 7 is the same or a different line from the "second line" in lines 24-15 of page 7. Applicant has added clarifying language to claim 2 to identify which line, the first or second, is being referred to.

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Claim 1 has been under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 3,802,112 to Banner. The Examiner argues that Banner discloses a dual fishing rod holder comprising a mounting post adapted for insertion into a receiver installed on a boat, a first fishing rod holder, having a proximal end and a distal end, the first fishing rod holder being secured at its proximal ends to the mounting post and extending rearwardly from the mounting post, and at least one fastener at the distal end of the rod holder, wherein the fastener is adapted to secure a first fishing rod, and a second fishing rod holder, disposed at an angle relative to the first fishing rod holder, the second fishing rod holder adapted to securely receive the handle of a second fishing rod.

The Banner device has a plate that can accommodate two fishing rod holders on the single plate. However, the second fishing rod holder is not disposed at an angle relative to the first fishing rod holder such that the second fishing rod is held at a substantive angle relative to the first fishing rod. Figure 9 of Banner illustrates that the two fishing rod holders are parallel to each other, and not in any way held at an angle from each other. Because they are parallel, the holders are in fact only held at a distance from each other. Furthermore, once the first and second fishing rods are positioned in the first and second rod holders, the second fishing rod cannot be at a substantive angle relative to the first fishing rod. Once again, the fishing rods would be held parallel to each other and not at any angle relative to each other. Applicant's device requires the second fishing rod to be held at an angle from the first fishing rod once positioned in the fishing rod holders. Therefore, because these limitations are not present, Banner does not anticipate claim 1.

Claim 2 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent No. 4,388,774 to Thoemke under the assertion that Thoemke discloses a method of securing at least two

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fishing poles to a single support structure, the method comprising the steps of securing a first fishing pole (14) comprising a rod, reel and line to a first substantially aft pointing rod holder (32-36) and releasably securing a second fishing pole (10) comprising a rod, reel and line to a second substantially upwardly pointing rod holder, setting a first line from the first fishing pole at a first distance from the support structure (86) and setting a second line from the second pole line a second distance greater than the first distance from the support structure.

The Thoemke method discloses securing two different fishing poles; however, both of the fishing poles are not secured to a single support structure as required by Applicant's method claim 2. The Examiner has pointed out the specific item numbers of Figure 1 of the Thoemke patent that he believes coincide with Applicant's claimed language. The first fishing pole, at 14, is composed of a rod, reel, and line of a first substantially aft pointing rod holder, at 32-36. However, the second fishing pole, at 10, comprising a rod, reel, and line and secured to a substantially upwardly pointing rod holder, at 86, is not the same support as the first support structure. The poles are not secured to a single support as required by Applicant's amended claim 2. In Thoemke, the second fishing pole is secured to a second or entirely different support structure, that of support assembly 40. This second support structure allows the second fishing pole to be held in a substantially upwardly pointing rod holder; however, the second rod is not secured to the same support structure as the first fishing rod. Clearly, a method that requires two different fishing poles be secured to a single support structure cannot be anticipated by a method that discloses two different fishing poles secured to two different support structures. Therefore, Thoemke does not anticipate claim 2.

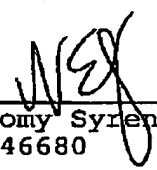
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Conclusion

This response has addressed all of the Examiner's grounds for objection and rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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